

REMARKS

Upon entry of the present amendment, claims 27 and 28 will have been amended to revise the language thereof to more clearly define the features of Applicants invention. These revisions do not narrow the scope of the claim but merely clarify the features of Applicants claimed invention. In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections set forth in the above-mentioned Official Action.

In the outstanding Official Action, the Examiner rejected claims 27-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,991,798 to OZAKI et al. Claims 27-29 were also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,611,862 to REISMAN. Applicants respectfully traverse each of these rejections and submit that they are inappropriate with respect to the combination of features recited in each of Applicants claims. In particular, It is respectfully submitted that the combination of features recited in Applicants claim 27 clearly defines over the disclosures of OZAKI et al. or REISMAN.

In the outstanding Official Action, the Examiner indicated claims 20-26 and 30-41 as being allowed. Applicants note the Examiner's indication of allowance with appreciation and respectfully thank the Examiner therefore. Applicants further submit that as will be set forth hereinbelow, claims 27-29 are also in condition for allowance and Applicants respectfully request an indication to such effect in due course.

Initially, Applicants wish to make of record a telephone interview conducted between Applicants undersigned representative and Examiner Goddard who is in charge of the present application. In particular, during an interview conducted on January 7, 2005, the Examiner indicated that he considered some of the terminology of claims 27-29 to be functional and therefore not totally defining the features of Applicants invention. In particular, the Examiner asserted that the term "operable" is functional and that based on such functionality the claims are still subject to rejection. During the above-noted interview, Applicants undersigned representative respectfully traversed the Examiner's characterization of any terms in claim 27 as being functional. Nevertheless, and merely in order to expedite the allowance of the present application, Applicants have agreed to eliminate the objected to term from claim 27 (and from claim 28) and to make corresponding changes to the language of claims 27 and 28 in view of such change in terminology.

The Examiner is respectfully thanked for his cooperation during the above-noted interview as well as for his proactive stance towards the prosecution of the present application.

By the present Response, and as indicated during the above-noted interview, Applicants have amended claim 27 to eliminate the term "operable to". Applicants submit that this change does not narrow the scope of the claim and thus does not give rise to any estoppel.

Applicants invention, as recited in claim 27, is directed to a content recording apparatus for recording distributed content in packages of files on a

recording medium. In particular, the content recording apparatus includes a package management information recorder that creates a directory for each package, designates a directory name of a directory in correspondence to a package directory number uniquely assigned to a package and creates and records, on the recording medium, a package management file indicating a correspondence between the package directory number and a package identifier assigned to the package. The content recording apparatus further includes a contents file recorder that designates a file name of the file content when the file is recorded on the recording medium in correspondence to a content number assigned on a per package basis, creates a content file group management file indicating a correspondence between the content number and a reference name when the contents is linked from other content, and records the file of content and the content file group management file on the recording medium. It is respectfully submitted that the combination of features recited in Applicants claim 27 is not taught, disclosed nor rendered obvious by either OZAKI et al. or REISMAN.

In direct contrast to the above, OZAKI et al. intends to allow a user to "mixedly" display data obtained from various sources (e.g., web servers, CD ROM, e-mail, telephone line e-mail and the like) on a single display screen as opposed to maintaining and recording links among distributed contents, see, e.g., Abstract, Fig. 1.

Similarly, REISMAN does not disclose the combination of features recited in Applicants claim 27. In particular, REISMAN is directed to a user station

software that controls transport and presentation of content from a remote source. In particular, the user station of REISMAN is configured for communication with a plurality of independently operated data sources via a non-proprietary network. The method of operating the user station includes creating a send data object that includes user demographics and automatically sending the send data object to a selected one of the data sources upon establishing the communication link, without a triggering action by the user. However, the combination of features recited in Applicants claim 27 is not taught, disclosed nor rendered obvious by REISMAN.

Applicants further note that in the statement of the rejection, the Examiner has relied upon the assertedly functional descriptive material of the claims which he asserted does not limit the claimed apparatus. In addition to the basis for patentability set forth above, Applicants respectfully submit that since this "functional descriptive material" has been deleted from the claims, it is respectfully submitted that the claims are clearly patentable over the cited references. An action to such effect is respectfully requested and is now believed to be appropriate and proper.

Applicants note the Examiner's Statement of Reasons for the indication of allowable subject matter contained in the above-mentioned Official Action of January 19, 2005. In this regard, Applicants note that while they do not necessarily disagree with any of the noted features, Applicants further wish to point out that each of the claims in the present application recites a combination of features and that the basis for patentability of each claim is thus also based

upon the particular totality of features recited by each claim. Accordingly, the reasons for allowance should not be limited to those features enumerated by the Examiner in the Statement.

Applicants note that the status of the present application is after Final Rejection and that applicants do not have a right to amend an application once a Final Rejection has issued. However, Applicants respectfully submit that entry of the herein contained amendments are appropriate and proper and in full accordance with the provisions of 37 C.F.R. § 1.116.

In particular, none of the amendments to the terminology of the claims raises any new issues requiring further consideration or search. Rather, the claims merely address issues raised by the Examiner after the filing of the last Response and thus could not have been earlier made. Finally, these changes, by their very nature, do not raise the issue of new matter but clearly place the application in condition for allowance. Further, these changes were suggested by the Examiner and have thus already been considered by him.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have made of record a telephone interview with the Examiner. Applicants have further amended the claims in accordance with the discussion carried on with the Examiner during the above-noted interview.

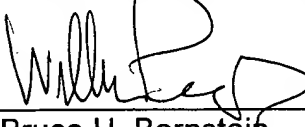
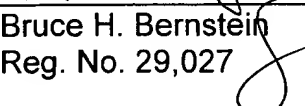
Applicants have further discussed the rejections set forth by the Examiner and have pointed out the shortcoming and deficiencies thereof. In particular,

Applicants have pointed out the deficiencies of the cited references with respect to the features recited in Applicants claims. Applicants have further responded to the Examiner's Statement of Reasons for Allowance. Additionally, Applicants have pointed out a basis for entry of the present amendment although the status of the present application is after Final Rejection.

Accordingly, Applicants respectfully request entry of the present amendment, reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takashi SHIMOJIMA et al.

William Pieprz
Reg. No. 33,630

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191